

# Court of Appeals, State of Michigan

## ORDER

Oscar Estrella Lopez v General Motors Corporation

Docket No. 265880

LC No. 04-416528-NP

Karen M. Fort Hood  
Presiding Judge

Michael J. Talbot

Kurtis T. Wilder  
Judges

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This Court orders that the application for leave to appeal is removed from abeyance, and in lieu of granting the application, the Court further orders, pursuant to MCR 7.205(D)(2), that the September 23, 2005, order of the Wayne County Circuit Court, which denied defendant's motion to dismiss based on the forum non conveniens doctrine, is VACATED. First, the trial court erred in ruling that it could not resist jurisdiction over plaintiff's lawsuit because it could not find the Michigan forum is seriously inconvenient. In *Radeljak v DaimlerChrysler Corp*, \_\_\_ Mich \_\_\_; \_\_\_ NW2d \_\_\_ (Docket No. 127679, issued July 19, 2006), slip opinion, pp 15-17, the Supreme Court rejected this standard in the application of the forum non conveniens doctrine. Second, the trial court's analysis of the factors set forth in *Cray v General Motors Corp*, 389 Mich 382, 392; 207 NW2d 393 (1973) is incomplete and unclear, as it appears from the record that the trial court did not make any definitive findings on the "private interest" subfactors (d), (e), (f) and (g) and the "public interest" subfactors (a) and (c), and further did not collectively weigh the factors to determine which forum was more appropriate. The trial court is directed to reconsider all of the *Cray* factors in light of the *Radeljak* decision, and shall also give less deference to the plaintiffs' choice of forum in accordance with *Radeljak*.

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 03 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk